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Activities of the United Nations Development Fund for Women

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report on the activities of the United Nations Development Fund for Women, prepared pursuant to Assembly resolution 39/125 of 14 December 1984.

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Annex

Report on the activities of the United Nations Development Fund for Women

Contents

		Paragraphs	*Page*
I.	Introduction	1–4	3
II.	Programme	5–59	3
	A. Overview	5–7	3
	B. Strengthening women's economic capacity as entrepreneurs and producers, especially in the context of the new trade agenda and the emergence of new technologies	8–21	3
	C. Engendering governance and leadership that will increase the participation of women in the decision-making processes that shape their lives, and that will be responsive to the needs and realities of women	22–36	6
	D. Promoting the realization of women's rights – civil, cultural, economic, political and social – and the elimination of all forms of violence against women to facilitate women's full participation in their societies	37–59	8
III.	Supporting the United Nations reform process to strengthen gender mainstreaming and women's empowerment	60–71	11
IV.	Building a knowledge base on women's empowerment and gender equality	72–77	12
V.	Financial management	78–83	13

I. Introduction

1. The present report provides a review and update on the programme and activities of the United Nations Development Fund for Women (UNIFEM) for the year 1997. During the past year, UNIFEM focused on organizational reassessment and giving greater coherence and clarity to its programme directions. In the first quarter of 1997, UNIFEM developed its strategy and business plan, which delineates areas of focus and operations for the period 1997–1999. UNIFEM has adopted a programme strategy that is designed and guided by an empowerment framework, and based on the promotion of women's rights, opportunities and capacities. That empowerment framework is about changing or transforming power relations in favour of those who previously exercised little power over their own lives.

2. In General Assembly resolution 39/125 of 14 December 1984, UNIFEM was mandated to play an innovative and catalytic role in the promotion of women's empowerment and gender equality. Its mandate is: (a) to support innovative and experimental activities benefiting women, in line with national and regional priorities; (b) to serve as a catalyst, with the goal of ensuring the appropriate involvement of women in mainstream development activities; and (c) to play an innovative and catalytic role in relation to the United Nations system of development cooperation.

3. In paragraph 335 of the Beijing Platform for Action, UNIFEM was requested to review and strengthen its work programme in light of the Platform for Action, focusing on women's economic and political empowerment, and to play an advocacy role, concentrating on fostering a multilateral policy dialogue on women's empowerment.

4. In paragraph 49 of its resolution 51/69 of 12 December 1996, entitled "Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action", the General Assembly commended the work of UNIFEM in providing a strategic and focused response to the follow-up and implementation of the Platform for Action through its advocacy and operational activities in support of women's economic and political empowerment, and encouraged the Fund to provide technical support to operationalize the Platform for Action at the national level through, *inter alia*, the resident coordinator system, and taking into account decision 1996/43 of the Executive Board of the United Nations Development Programme/United Nations Population Fund.

II. Programme

A. Overview

5. In fulfilment of the recommendations of the Beijing Platform for Action to strengthen its operational work and maximize the impact of its projects, UNIFEM's programmes focus on three thematic areas: strengthening women's economic capacity; engendering governance and leadership; and promoting women's human rights, and eliminating all forms of violence against women. The three thematic programme areas are addressed in relation to regional realities in Asia and the Pacific, Africa, Latin America and the Caribbean, Eastern Europe, and countries of the Commonwealth of Independent States, as well as placed within the larger global context.

6. UNIFEM is committed to intensifying support for programmes that link micro-level and macro-level practical and policy actions in its three thematic areas to meet emerging needs and priorities for gender mainstreaming and for building the capacity of women's organizations as economic and political actors.

7. In addition to focusing its programme by concentrating on three thematic areas, UNIFEM relies on five core strategies for promoting its empowerment approach: building the capacity and leadership of women's organizations and networks; leveraging political and financial support for women from a range of stakeholders in the development process; forging new synergies and effective partnerships among women's organizations, Government, the United Nations system and the private sector; undertaking pilot and demonstration projects to test innovative approaches to women's empowerment; and building an operational knowledge base to influence gender mainstreaming.

B. Strengthening women's economic capacity as entrepreneurs and producers, especially in the context of the new trade agenda and the emergence of new technologies

8. UNIFEM's economic empowerment programme focuses on the identification of opportunities for and threats to women's sustainable livelihoods within the context of globalization, trade liberalization and the emergence of new technologies. UNIFEM supports programmes that are designed to increase options for women – especially those living in poverty – strengthening their economic capacity as

entrepreneurs and producers, and creating strategic linkages between producers and support institutions, as well as between producer groups and markets.

9. UNIFEM works with women at the macro (policy), meso (institutional) and micro (households/individual) levels. Thus, UNIFEM's aims are to: (a) engender macroeconomic and sectoral level policies (especially trade, and information, communication and telecommunications policies) so as to minimize threats to and maximize opportunities for women's sustainable livelihoods; (b) engender public-sector and private-sector extension services/delivery mechanisms so as to ensure that any policy statements of benefit to women are translated into action and that women have equal access with men to economic and natural resources; and (c) design innovative and effective ways of overcoming constraints faced by women in gaining access to the resources they need to increase their economic capacity.

Policy-level activities

10. At the macro level, UNIFEM has been focusing on the issue of globalization, supporting research and the creation of regional forums to analyse the ways in which national, regional and international trade policies have differential impacts on women and men, and identifying strategies and opportunities for women to become more involved in the process of influencing trade policy-making. UNIFEM's work in bringing people from Government, United Nations agencies, trade organizations and non-governmental organizations together to explore this topic is being synthesized in a series of monographs focusing on the gender impact of regional trading practices.

11. In Latin America, for example, studies have been completed on the impact of trade liberalization, in particular the North American Free Trade Agreement, on women workers in the textiles and agricultural sectors in Mexico. In the Southern Cone, UNIFEM supported a second regional seminar to examine the implications and impact of the Southern Cone Common Market (MERCOSUR) treaty on women.

12. In Asia and the Pacific, studies have been completed on the impact of regional and global trade agreements on women in Fiji and Papua New Guinea. Those findings will form the basis for a Pacific regional dialogue and a regional programme on women and trade, with a focus on the impact of the Lome 2000 agreement on women. There have been several follow-up activities to regional dialogues undertaken at New Delhi in 1994 (for the South Asian Association for Regional Cooperation (SAARC) countries), and at Bangkok in 1996 (for the Association of South-East Asian countries). In India, UNIFEM has been supporting the Trade Related Entrepreneurship Assistance Development Programme (TREAD) project which was developed and funded by the Government and the United Nations Development Programme (UNDP) following the SAARC meeting. The project will initially assist 45,000 women to enter export marketing in selected commodity areas.

13. In Africa, UNIFEM has been actively involved in several meetings on women and trade, including a regional Economic Community of West African States meeting held at Conakry, a Network Women in Development Europe/ Environmental Development Action regional seminar to discuss the European Union (EU) green paper and the impact of trade agreements on women's trade activities, and meetings in Gabon and at Kampala looking at the impact of and opportunities arising from the Lome Convention.

14. UNIFEM has focused on trade policies because of the major impact on women's livelihoods, and the comparative lack of available information and data. However, UNIFEM has also supported other macroeconomic activities, including the Women's Budget initiative, the collection of gender-sensitive statistics on women's work, influencing urban and other policies that have an impact on the urban poor, influencing science and technology and environmental policies, and the promotion of policies to provide social security for women workers in the informal sector.

15. In South Africa, UNIFEM has continued to support the Women's Budget initiative. That innovative project involves research by non-governmental organizations and women Members of Parliament on how the development and allocation of budget by sectors affects women's participation in development and their economic empowerment. A series of workshops will be organized to disseminate information on the budget, especially to women's groups, and results of studies will be presented to the Parliament to influence its discussions on the budget. UNIFEM is now preparing to replicate this model throughout the Southern African Development Community (SADC) region, and also has interest in replication of the Women's Budget project in Eastern Africa.

Capacity-building of women's organizations

16. At the intermediate level, UNIFEM develops programmes to strengthen women's organizations/ associations/unions, both to advocate for policy changes and to bargain for increased and equal access to economic resources; engender mainstream mechanisms responsible for delivering economic inputs, such as training, credit,

improved technologies and market information; and support women-specific delivery mechanisms (such as women's banks or women's business associations) or women's branches within mainstream service institutions (such as chambers of commerce or trade unions).

17. As to activities that support women's organizing to secure increased access to economic resources, such as credit, technology, training and markets, UNIFEM has been supporting three separate groups of women: those who operate profitable full-time small-scale manufacturing, service or trading businesses; those who are own account self-employed workers (including street vendors and artisans); and those who are wage earners (including home-based workers, domestic workers and migrant workers). In Africa, Asia, and Western Asia, UNIFEM has continued to support such activities as trade fairs, which link women entrepreneurs with domestic and international markets. A major constituency for UNIFEM is the own account woman worker who is involved in traditional activities, such as food processing, garments and other traditional, artisanal activities. Again, much of that work is related to strengthening the ability of groups of artisans to access new markets. In Ecuador, UNIFEM has supported a trade fair for indigenous women craft producers, and continues to support a non-governmental organization that assists indigenous women in improving their products and marketing. In Asia and globally, UNIFEM is supporting organizations of home-based workers (affiliated at the global level with HomeNet) to gain access to better wages and conditions of work. UNIFEM is also involved in developing research and statistics activities relating to home-based workers.

18. UNIFEM's many years of working with women's economic activities have shown that public and private-sector mechanisms that deliver inputs for economic activities (e.g., agricultural extension services, banks, commercial equipment suppliers, technology centres, non-governmental organizations, United Nations programmes) are not very effective in reaching women living in poverty. Thus, UNIFEM supports efforts aimed at engendering existing delivery mechanisms, including gender training and the creation of discussion forums for staff of government and United Nations agencies, non-governmental organizations and commercial entities. In Western Asia, UNIFEM is supporting the engendering of national-level small enterprise development programmes and training local partner organizations (Government and non-governmental organization) on gender-sensitive approaches to delivering business services to women entrepreneurs. In Mexico, UNIFEM has helped to mainstream gender into the UNDP/Global Environment Facility Small Grants Fund through gender training of environmental non-governmental organizations and the joint organization of the Mayan Women's Congress, which has not only increased the gender-responsiveness of the UNDP programme but also contributed to an increase in the levels of organization of indigenous women and their capacity to develop alternative proposals for sustaining their livelihoods.

19. UNIFEM played a significant role at the Microcredit Summit held at Washington, D.C., in February 1997, which was organized to launch a global movement to reach 100 million of the world's poorest families, especially the women of those families with credit for self-employment and other financial and business services by the year 2005. UNIFEM's work with the Summit before, during and after that event has helped to ensure that micro-lending organizations take into account gender issues in their policies and programmes. As the co-Chair, with UNDP, of the Advisory Council of United Nations Agencies, UNIFEM continues to play a key role in the Summit follow-up.

Micro-level activities

20. At the micro level, UNIFEM supports women to organize around the collection/growing, processing and marketing of products, organizing and networking enable women to take control over resources, to alter bargaining relationships at home, in their community and the market place and to influence national economic policies. Increasingly, UNIFEM is shifting to a subsector approach as a means of reaching large numbers of women facing similar threats and/or opportunities in one enterprise sector. Most recently, UNIFEM has been piloting work in West Africa by supporting women involved in the commercialization of shea butter, assisting them to revamp their production and marketing strategies so as to increase profits, market know-how, and take advantage of new opportunities in Europe and North America. In the Caribbean, UNIFEM assisted – jointly with the EU – a women's fruit processing cooperative in Grenada in consolidating project activities, improving marketing strategies and developing a long-term project focused on poverty alleviation.

21. Another strategy that has been used to support women in coping with threats to their traditional industries and taking advantage of new opportunities arising from globalization and trade liberalization is to increase their access to the training and technologies/techniques they need to move into growth sectors. In Zimbabwe, UNIFEM commissioned a feasibility study on developing a nationwide network of small-scale women's enterprises producing

micro-concrete roofing tiles aimed at Zimbabwe's booming construction industry. Besides being a non-traditional skill and occupation for women, the project has many other innovative features, including the use of interactive computer-based technologies to deliver vocational training to functionally illiterate women and introduction of franchising and joint venture capital financing.

C. Engendering governance and leadership that will increase the participation of women in the decision-making processes that shape their lives, and that will be responsive to the needs and realities of women

22. UNIFEM's governance and leadership programme promotes women's transformational leadership as a critical element in creating just, peaceful and democratic societies. It supports the strengthening of women's capacity to influence – and become – leaders by creating a bridge between the activities of United Nations agencies, national Governments and women.

23. The programme focus includes (a) developing and investing in strategies that promote women's transformational leadership; (b) facilitating gender-sensitive national planning and legislation that create policy frameworks conducive to the increased participation of women; and (c) building the capacity of women and women's organizations to develop leadership skills and participate in decision-making especially for the goals of conflict resolution and peace-building.

Promoting women's transformational leadership and political participation

24. UNIFEM works to increase the number of women participating in political processes and decision-making, while at the same time raising awareness and acceptance of women as a political force. UNIFEM's leadership work, however, is not just about changing the composition of leadership; it is equally about transforming the mainstream to address the grounded realities of women's lives. UNIFEM has been providing support to expand women's participation in politics through voter education and training for political-electoral candidates throughout the Pacific subregion. In the Solomon Islands and in Papua New Guinea, UNIFEM has conducted political awareness training for women as voters and leaders, and workshops on electoral procedures and campaign strategies. Efforts in both countries led to an increase in women running for political office, and securing seats in the national parliaments.

25. In Africa, key non-governmental organizations such as Botswana's Emang Basadi, the Zambian National Women's Lobby Group and the Women Law and Development Federation, a network of African women lawyers, embarked on major campaigns for legal reforms and voter education and registration for women, covering six countries in southern Africa.

26. UNIFEM also works to educate parliamentarians on gender-related issues. In Senegal, UNIFEM worked with the African Institute for Democracy to provide training in leadership-building for newly elected parliamentarians. With UNIFEM support, a non-governmental organization in Paraguay has been providing technical assistance to the Parliament and women's non-governmental organizations on gender-inclusive law-making and legislation. In the Muslim countries of the Asia and Pacific region, UNIFEM assisted the Organization of Women Parliamentarians, based in Pakistan, in launching a Web site (*http://www.comsats.net.pk/owpmc*) so that women legislators in Islamic countries could network and gain access to information on gender issues.

27. The Beijing Platform for Action identified including women in decision-making as a priority area of concern. For the Platform to be implemented, however, Governments must take gender into account during their national planning processes.

Facilitating gender-sensitive national planning

28. Efforts to incorporate gender into India's ninth five-year development plan offer a model for ensuring that women's voices are heard – and heeded – in national planning processes. As the Government of India began to work on the plan in 1997, UNIFEM convened a group of influential women's leaders to work as a "think tank" to advise the Government on gender-inclusive and gender-responsive approaches to national planning. The think tank participated in regional consultations that UNIFEM facilitated at Calcutta, Pune, Bangalore and Chandigarh so that members could hear women's priorities. The consultations focused on economic and political empowerment, violence, health, education, technology, urban poverty, shelter, and environmental protection. From those regional discussions, the think tank produced a synthesis of women's priority issues, and in March 1997, with UNIFEM support, presented it to members of the national planning commission and concerned government ministries.

29. UNIFEM's facilitation and the work of the think tank created opportunities for women to have a voice at every stage of the planning process. The process also allowed UNIFEM to create partnerships with government institutions including the Ministry of Home Affairs, the Ministry of Agriculture and the Ministry of Rural Development – which have agreed to facilitate the inclusion of gender concerns into planning for their areas. As a result of the project's success, the Indian Government will replicate the process at the state level.

30. UNIFEM worked with SADC to address the issue of women being vastly under-represented in development activities and policies in the 14 States that make up SADC. UNIFEM developed the SADC gender programme in 1992, a comprehensive project to mainstream gender concerns by providing gender-analysis training to personnel in government ministries, national machineries and women's non-governmental organizations. The SADC gender programme also created a projects fund to launch pilot projects and action-oriented research to support women's participation in economic and political development activities. UNIFEM's work over the past five years led to a significant result: in 1997, SADC heads of State signed the SADC Declaration on Gender and Development at their annual summit meeting. The Declaration is regarded as a mandate to incorporate gender concerns in policies, projects and programmes throughout the region – and a significant step forward in gender mainstreaming.

31. In the West Asia subregion, UNIFEM is supporting the establishment of women in development (WID) or gender and development (GAD) sections in government and non-governmental organization institutions to facilitate gender planning and gender mainstreaming in policy formulation. The WID facilitation initiative ensures that information on WID/GAD projects, programmes and activities is shared among the various actors that implement them: Governments, bilateral and multilateral donors, and national and international non-governmental organizations. The initiative is designed to complement existing coordination mechanisms by increasing access to relevant, up-to-date information on trends and activities with regard to women in development at the national and regional levels. The national units established through the initiative have access to their counterparts in other countries through the UNIFEM Western Asia Regional Programme Office. The regional dimension allows for substantive exchange of experiences between countries. WID facilitation initiatives have been operating successfully in Palestine since 1996. Units have also been set up in Yemen and Egypt.

32. UNIFEM provided technical assistance to the Governments of Nepal and Maldives to prepare action plans to implement the Platform for Action, and to incorporate gender into their national development plans. UNIFEM technical assistance to the United Nations system in Bangladesh was instrumental in facilitating the finalization of a national report on institutional gender mainstreaming. The UNIFEM Caribbean office, in collaboration with the Commonwealth secretariat, participated in a joint exploratory mission in two countries – Saint Kitts and Nevis, and Antigua and Barbuda – to explore the feasibility of establishing a gender management system in the public sector, that would create an enabling environment for gender planning, analysis and evaluation within the national planning processes. Upon completion of the mission, a gender management system was established in Saint Kitts and Nevis on a six-month pilot basis.

Promoting women's participation in peace-building and conflict resolution

33. Women are one of the most adversely affected populations during times of conflict. Physical and sexual violence against women increases, and women unequally bear the brunt of uprootedness. Already viewed as second-class citizens by the legal system in many societies, women's change in status in times of conflict – from citizen to refugee – often results in a further erosion of women's rights and treatment. UNIFEM addresses that situation by strengthening women's capacity to advocate for themselves, influence the peace process, and create new, ethical frameworks for governance and development during reconstruction. UNIFEM's approach to peace-building in conflict and emergency situations has been developed and tested by its support to women affected or displaced by armed conflict in Africa.

34. The African Women in Crisis Umbrella Programme (AFWIC), developed by UNIFEM in 1993, has provided a model for piloting advocacy, catalytic actions and direct-support projects in conflict and post-conflict situations. That approach now feeds into UNIFEM's work in all geographic regions. The AFWIC model provides training to promote gender-sensitive and gender-inclusive responses to conflict resolution and peace. It supports the mainstreaming of gender concerns in policies and programmes that address complex emergencies, national rehabilitation and reconstruction. Through AFWIC, innovative activities and strategies that respond to women's practical and strategic needs in situations of displacement have been tested.

35. UNIFEM is currently supporting the creation of African women's peace networks in the East Africa and the Great Lakes region, including Rwanda, Burundi, the Sudan and Somalia, and has strengthened the capacity of organizations and networks that advocate for gender-responsive policies by supporting the participation of Rwandese, Somali and Sudanese women in the sixteenth session of the Commission on Human Settlements in May 1997 to advocate for including women refugee issues in the Habitat agenda; supporting the launch of the Federation of African Women Peace Networks in March 1997; documenting women's peace-building initiatives in Somalia and the Sudan; and supporting an inter-agency peace-building and conflict resolution workshop at Addis Ababa, which was convened under the auspices of the Regional Office of the United Nations High Commissioner for Refugees.

36. In the Manica Province of Mozambique, UNIFEM is collaborating with the Italian Government to support the resettlement of former Mozambican refugees from Zimbabwe and Malawi. The initiative combines literacy skills with support for income-generating activities. In Tajikistan, UNIFEM is working with UNDP to develop pilot projects to strengthen the participation of Tajik women in peace-building. The programme brings together the Government, the international community and civil society groups working to consolidate the peace process.

D. Promoting the realization of women's rights – civil, cultural, economic, political and social – and the elimination of all forms of violence against women to facilitate women's full participation in their societies

37. In its attempt to foster the political and economic empowerment of women, UNIFEM has utilized a rights-based framework that views the pursuit of sustainable human development as a fundamental human rights issue, and has made women's human rights a centrepiece of its empowerment approach to programming.

38. UNIFEM strategies and activities in the area of human rights are geared to (a) promoting the realization of women's rights (civil, cultural, economic, political and social), improving women's legal and social status, and ensuring that women's rights are recognized as human rights; (b) building women's capacity to understand and use human rights instruments, with a particular focus on the Convention on the Elimination of Discrimination against Women; and (c) promoting the elimination of all forms of violence against women, since violence is fundamentally an issue of human rights.

Trust Fund in Support of Actions to Eliminate Violence against Women

39. The Trust Fund in Support of Actions to Eliminate Violence against Women – created at UNIFEM under the guidance of General Assembly resolution 50/166 of 22 December 1995 – welcomed the call by the Commission on the Status of Women (March 1998) for increased contributions to the Trust Fund, which are urgently needed in order to meet the growing demand for support. A record number of over 200 proposals were submitted for consideration at the November 1997 and the 1998 funding cycles. The production of information brochures that include guidelines for funding application in English, French, Spanish and Russian have been widely disseminated in all regions. In 1998, the United Kingdom of Great Britain and Northern Ireland donated US$ 916,667 to the Trust Fund. In addition, the Government of Japan, which contributed $1 million in 1996/97, gave the Trust Fund an additional contribution of $500,000 in 1998.

40. In November 1997, the Programme Approval Committee for the Trust Fund held its second session, in which it approved a total of $663,000 to 22 projects addressing the problem of violence against women in Azerbaijan, Botswana, Burundi, Croatia, Ghana, Israel, Kenya, Kiribati, Kyrgyzstan, Lithuania, Mali, Nepal, Nigeria, the Philippines, Poland, Slovenia, Turkey, and the Ukraine. In May of 1998, the Committee approved $597,951 to 15 new projects in Algeria, Bosnia and Herzegovina, Cambodia, the Congo, Fiji, Honduras, Mauritius, Palestine, Peru, Somalia and the Russian Federation, as well as four regional projects in Africa, the Arab States, the Caribbean and the MERCOSUR countries. An additional 14 projects were selected for approval pending further contributions to the Trust Fund.

41. The Committee has been comprised of a large number of United Nations partners, including UNIFEM, the Division for the Advancement of Women, UNDP, the International Research and Training Centre for the Advancement of Women, the Office of the United Nations High Commissioner for Human Rights (also representing the Special Rapporteur on violence against women), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the United

Nations Programme on HIV/AIDS (UNAIDS), and the World Health Organization, as well as two non-governmental organizations representatives.

42. Projects approved for funding by the Trust Fund address a range of different manifestations of violence against women, including domestic violence and traditional practices recognized as forms of violence against women, such as female genital mutilation and the practice of "honour killings" of women. Special attention was given to violence against women in the context of war and civil strife. In addition, in congruence with the recommendations of the Special Rapporteur on violence against women, the Trust Fund lent its support to projects focusing on the problem of international trafficking in women.

43. Projects funded apply a wide range of strategies, including action-oriented research, media and educational campaigns, community mobilization, training for professionals and legal reform projects. 1998 also saw an increase in funding for projects focused on building the capacity of national and local governments to address the problem of violence against women.

44. The Trust Fund has developed a proposal to set up a parallel "learning component" to study and assess project results, and extract and disseminate useful lessons learned, which would guide the Trust Fund's future operational strategies. The Trust Fund Programme Approval Committee strongly endorsed that proposal, which was subsequently awarded a $300,000 two-year grant by the John D. and Catherine T. MacArthur Foundation in July 1998. The learning component for the Trust Fund is scheduled to become operational by the end of 1998.

Inter-agency campaign on violence against women

45. In 1997, UNIFEM initiated inter-agency regional awareness-raising campaigns on violence against women, currently in varying stages of development and implementation. The Latin American and Caribbean Campaign to Eliminate Violence against Women, formally launched in March 1998, is an example of the United Nations system collaborating at the regional level to increase impact and fulfil commitments to gender equality goals. The campaign, on the theme "A life free of violence: it's our right", was convened by UNIFEM, and is being coordinated by UNIFEM's office in Ecuador. UNDP, UNICEF, UNFPA, UNHCR, UNAIDS and the Economic Commission for Latin America and the Caribbean are all participating in the planning, launching and implementation of numerous activities, and different agencies are taking the lead for different aspects of the work. Currently, 19 Latin American and Caribbean Governments have formally endorsed the campaign.

46. In all countries of the Latin America and the Caribbean region, highly publicized events on the issue of gender-based violence have been organized, particularly around the activities commemorating the fiftieth anniversary of the Universal Declaration of Human Rights. The campaign is premised on the understanding that long-lasting solutions can only emanate from communities that see that issue as one that hampers the development of all members of society. The Campaign will also address the human, social and economic costs of violence against women, and the need to empower women as valuable partners inside and outside the home.

47. A particularly vital initiative of the campaign is the involvement of local government and communities. The municipality of Mexico City, for instance, will coordinate a challenge to municipalities throughout the region to present examples of the ways in which they are promoting and protecting women's human rights at the local level. Three examples will be selected for wide dissemination and learning.

48. The regional campaign in Africa, announced in May 1998, will highlight violence against women in war situations, when violence against women is often used as a weapon of destruction, and in a post-conflict context, where widowed women have become heads of household yet often remain disenfranchised of their legal and human rights. Similar campaigns are planned in Asia and the Pacific, Eastern Europe, and the Commonwealth of Independent States.

49. The regional campaigns will use strategies similar to those successfully used to date in the Latin American and Caribbean campaign, and will emphasize the linkages between violence and women's continued marginalization from economic, political and social decision-making processes. The campaigns involve United Nations agencies, civil society partners and Governments to ensure that they are far-reaching and inclusive. The mobilization of United Nations system-wide support at the operational level for the initiative increases the chance that the regional campaigns will reap concrete results, linking commitments by Governments in the area of violence against women with country assistance agreements with the United Nations.

CEDAW global training workshop

50. UNIFEM work on the Convention on the Elimination of All Forms of Discrimination against Women focuses on

increasing the number of women's groups working on and monitoring the implementation of the Convention; promoting non-governmental organizations understanding of and efforts to lift or narrow reservations to the Convention; improving the legal and social status of women; and ensuring that women are better informed about their rights.

51. In response to the Beijing mandate, which recognizes that as the "Bill of Rights" for women, the Convention constitutes a critical area of work in the promotion and protection of women's human rights, UNIFEM has embarked on an annual programme aimed at expanding the understanding and use of the Convention by women's rights advocates.

52. In preparation for the sixteenth session of the Committee on the Elimination of Discrimination against Women in January 1997, UNIFEM joined with the International Women's Rights Action Watch (IWRAW)/ Asia-Pacific in organizing a pilot activity to train human rights activists from the non-governmental organization community whose countries were or would soon be reporting to the Committee. UNIFEM and IWRAW/Asia-Pacific convened a training team made up of experienced non-governmental organization advocates from Malaysia, the Philippines, Costa Rica and the United States of America. The training deepened participants' understanding of the Convention as a key organizing tool in advocating for women's human rights. It also provided participants with opportunities to make direct contact with Committee members and discuss ways in which mutual support could be fostered.

53. The training workshop participants, from Bangladesh, Canada, Morocco, the Philippines, Turkey and former Zaire, were provided an intensive two-day orientation on the Convention, followed by an immediate opportunity to apply what they had learned by spending a week observing the Committee in session. Many of the participants took advantage of their presence during the Committee's session to produce alternative reports with other non-governmental organizations in their countries, which they brought to the Committee's attention. The Committee welcomed the effort by UNIFEM and IWRAW/Asia-Pacific, and as a result of their support UNIFEM has made a commitment to hold the global training workshop on an annual basis. The most recent workshop was held during the January 1998 session of the Committee.

54. The Committee has urged UNIFEM to intensify its programming in support of implementation of the Convention; to utilize the expertise of the Committee members at the national level; and to increase its commitment to becoming to the Convention what UNICEF is to the Convention on the Rights of the Child.

Mainstreaming the human rights of women

55. UNIFEM mainstreaming activities on human rights have been a logical follow-up to the recommendations made by the 1993 World Conference on Human Rights, involving (a) a sustained presence at the annual sessions of the Commission on Human Rights; (b) collaboration with the Office of the United Nations High Commissioner for Human Rights in its efforts towards gender integration into the human rights machinery; and (c) fostering the development of non-governmental organization expertise in and exposure to the international human rights arena.

56. UNIFEM strategy with regard to mainstreaming the human rights of women has been to play a facilitating role, using its position within the United Nations system as the operational fund for women to create opportunities for national and international non-governmental organizations, Governments and other United Nations agencies to gather and engage in a substantive dialogue on how best to implement the commitments made to women's human rights in various international arenas. Its activities in that area have centred primarily on advocacy for the integration of gender perspectives into the work of the treaty and non-treaty monitoring bodies.

57. In order to increase reporting of gender-specific violations by the international human rights machinery, UNIFEM has produced relevant publications showing the connections between gender and human rights; supported the participation of women's human rights advocates at the annual sessions of the Commission on Human Rights; sponsored briefings for the thematic special rapporteurs on gender integration (at the request of the Office of the United Nations High Commissioner on Human Rights); and supported the field missions of the Special Rapporteur on violence against women, its causes and consequences.

58. UNIFEM has collaborated with the Office of the United Nations High Commissioner on Human Rights by conducting a briefing on ways in which gender-based violations of the human rights of women could be documented in the investigations conducted by thematic and country rapporteurs appointed by the Commission on Human Rights. The report of the Commission on its fifty-third session makes a special mention of the UNIFEM briefing, which noted some of the remaining challenges in such work. Expanding an understanding of the different ways in which gender affects the ability of men and women to enjoy their rights, as well as training in gender awareness for all those

engaged in carrying out the work of human rights, including the staff of the Office, are some of the tasks that lie ahead.

59. The production of advocacy and training materials on the human rights of women is another component of UNIFEM work to strengthen women's human rights advocacy. Materials published by UNIFEM include an information kit on the Convention on the Elimination of All Forms of Discrimination against Women (1995); "Integrating gender: bringing a gender perspective into the United Nations human rights system" (1997 and 1998); and "Commitments to rights: a cross-reference guide to the human rights of women and girls in the Beijing Platform for Action and related United Nations conferences and conventions" (1998).

III. Supporting the United Nations reform process to strengthen gender mainstreaming and women's empowerment

60. In 1997, the United Nations reform agenda provided UNIFEM with a wide range of opportunities to enhance its work on promoting women's empowerment and gender mainstreaming. UNIFEM coordinates with other agencies to increase the impact of United Nations work to eradicate feminized poverty and gender-based violence, to promote and protect women's human rights, and to advance women's transformational leadership. For UNIFEM, true coordination for gender mainstreaming, empowerment and equality means: (a) stronger links between the policy/norm-setting activities and counterpart operational activities of the United Nations system; (b) synergy among United Nations agencies, where each brings its comparative advantage and diverse constituencies; and (c) a growing knowledge base of effective strategies shared among United Nations agencies and UNIFEM's non-governmental organizations and government partners.

61. The inter-agency campaign to eliminate violence against women in Latin America and the Caribbean (coordinated by UNIFEM), and the Trust Fund in Support of Actions to Eliminate All Forms of Violence Against Women (administered by UNIFEM) are examples of synergy that can be created through inter-agency collaboration. For both initiatives, UNIFEM secured the involvement of several United Nations funds, programmes and agencies – epitomizing the spirit of reform and responding to a cross-cutting theme of a number of world conferences. In other cases, UNIFEM has acted as a catalyst to ensure that gender concerns are taken into account – such as its co-chairing, with UNDP, of United Nations participation in the Microcredit Summit Council of United Nations agencies (each of those initiatives have been discussed in greater length earlier in the report).

62. UNIFEM's work as a gender adviser to the resident coordinator system is a critical component in ensuring that United Nations country teams have the capacity to recognize and respond to gender issues. During 1997, UNIFEM laid the groundwork for placing gender advisers to the resident coordinator system in 10 countries. Each gender adviser will be placed for a two-year term, will work closely with the resident coordinator and will play a catalytic role in relation to the overall United Nations system at the country level. The gender adviser will focus on one, or in some cases, two countries. Countries have been chosen on the basis of demonstrated interest and commitment of the resident coordinator and the level of activity and commitment on the part of Government and civil society to the Beijing Platform for Action. Gender advisers will be backstopped by the UNIFEM regional programme adviser.

63. UNIFEM collaborates with the United Nations Population Fund (UNFPA) in supporting six field-based gender, population and development advisers. In addition, UNIFEM, the United Nations Volunteers (UNV) and UNDP have fielded 15 gender specialists to strengthen support for national-level implementation of the Beijing Platform for Action. Gender specialists are currently located in Botswana, Cambodia, Cameroon, Côte d' Ivoire, Haiti, the Lao People's Democratic Republic, Lebanon, Malawi, Morocco, Mozambique, the Niger, Panama, Turkmenistan, Viet Nam, and Yemen.

64. UNIFEM actively seeks opportunities to bring other United Nations funds, programmes and agencies into its work with Governments on the implementation of the Beijing Platform for Action. UNIFEM, for example, has secured inter-agency participation on programmes to collect data disaggregated by sex in South Asia and advocate for women's land rights in East Africa.

65. To more effectively catalyse inter-agency efforts, UNIFEM is analysing the factors that support or inhibit coordination on gender mainstreaming and women's empowerment. In 1997, UNIFEM's East Africa regional office commissioned a study on coordination among United Nations agencies on gender issues. The study confirmed that coordination will result in investments and programmes that support national-level action to achieve gender equality only when gender is viewed as a cross-cutting responsibility and

taken up by the highest-level decision makers in the country office.

66. In its potential to provide a consistent framework for United Nations activities on the ground, the United Nations Development Assistance Framework (UNDAF) is a critical part of the Secretary-General's reform. For UNDAF to achieve its potential, it must be used as an action-oriented instrument that responds to national priorities, while taking key recommendations of United Nations world conferences into account.

67. In recognition of UNDAF's potential, UNIFEM has actively participated in its development. UNIFEM's Executive Director participated in the conceptualization of UNDAF in her work with the United Nations Development Group. Two UNIFEM regional programme advisers participated in the UNDAF global support team, travelling to countries in which UNDAF was being piloted. In addition, UNIFEM regional programme advisers are located in three UNDAF countries.

68. During the Economic and Social Council high-level segment on gender mainstreaming in July 1997, UNIFEM's Executive Director provided delegates with a number of practical ideas for mainstreaming gender into the work of United Nations country teams, particularly in light of the pilot exercises to field-test UNDAF. Those recommendations were used as the basis for UNIFEM's contributions – on behalf of the Inter-Agency Committee on Women and Gender Equality (IACWGE) – to an inter-agency meeting on coordinated follow-up to United Nations world conferences held at Turin in December 1997. The recommendations were subsequently incorporated into a guidance note to the resident coordinator system distributed by the Consultative Committee on Programme and Operational Questions.

69. UNIFEM plays an active role in mechanisms established at headquarters to promote coordination and collaboration as a follow-up to United Nations world conferences. UNIFEM is chairing the United Nations Development Group (UNDG) Gender Subgroup. UNIFEM also collaborated closely with the IACWGE as its liaison to the Administrative Committee on Coordination (ACC) inter-agency task forces on follow-up to United Nations world conferences, and is currently co-task manager (with UNDP) for the IACWGE good practices initiative, which builds on UNIFEM's strong links to field-level activities.

70. UNIFEM regional programme advisers have chaired inter-agency thematic or working groups on gender in Brazil, Mexico, Senegal, Zimbabwe, Kenya, Thailand and India. Those groups involve gender focal points from all of the other United Nations agencies operating in the country in meetings, information-sharing, and joint activities to promote gender equality.

71. In 1998, UNIFEM invited UNICEF to collaborate in the production of a tool to assist representatives of Governments, non-governmental organizations, and United Nations bodies to monitor implementation of the Beijing Platform for Action. The guide, entitled "Commitment to rights", cross-references the commitments made by Governments in the chapters on the human rights of women and girls in the Beijing Platform for Action to existing obligations in international human rights law and to commitments made by States at other United Nations world conferences.

IV. Building a knowledge base on women's empowerment and gender equality

72. UNIFEM has significant experience in identifying emerging women's empowerment strategies before they are recognized by the mainstream development assistance community. Its work on promotion of microcredit for women and support for innovative strategies to eliminate violence against women demonstrates how initiatives, once proven effective, can be expanded by agencies with greater resources.

73. UNIFEM's 1997 strategy and business plan committed the organization to strengthening its capacity to learn from its efforts and disseminate this learning. During 1997, the focus has been on four main areas: (a) undertaking strategic reviews of UNIFEM subprogrammes with a view towards identifying learning that can be applied cross-regionally; (b) creating vehicles and systems to capture and disseminate learning, and involving staff and partners in the process of so doing, as well as supporting documentation and dissemination at the field level; and (c) providing opportunities for UNIFEM staff to acquire skills and think strategically about different learning and knowledge management systems.

74. UNIFEM undertakes external evaluations of its subprogrammes every nine months. In 1997, two economic empowerment subprogrammes were reviewed. The external evaluation of UNIFEM's work on women's enterprise development confirmed that UNIFEM's comparative advantage was best employed by focusing on rights, access, structural change, introducing an empowerment agenda, and supporting networks. The evaluation recommended that

UNIFEM concentrate on strategic thematic or sectoral areas or a targeted group of countries, and explore opportunities to improve statistical accounting of women's work in the informal sector.

75. The review on gender and environment began in 1996 as a part of a larger initiative to create a framework for research and policy on gender, environment and development. The review analysed the achievements of 10 UNIFEM-supported projects. It found that projects with a greater likelihood of contributing to empowerment are smaller projects that are linked to broader initiatives, and those that work at multiple levels.

76. Developing high-visibility vehicles for disseminating its learning to policy makers, project partners, media, and other stakeholders is an important component of UNIFEM's work. One of those developed in 1997 include WomenWatch (*www.un.org/womenwatch*). A collaborative project of the Division for the Advancement of Women of the United Nations Secretariat, UNIFEM, and the International Research and Training Institute for the Advancement of Women (INSTRAW), WomenWatch is the Internet gateway to United Nations information on women's empowerment and gender mainstreaming. UNIFEM has also developed its own Web site (*www.unifem.undp.org*) to communicate UNIFEM activities andlearnings.

77. For UNIFEM to gather and apply its knowledge effectively, staff need to understand and design programmes that incorporate strong learning components. In 1997, UNIFEM expanded staff capacity by providing training in results-based management and knowledge management. UNIFEM's approach to knowledge management is about using knowledge that resides in UNIFEM and in its web of partnerships and alliances, and giving it coherent form. The impact of such training has been widespread. Project documents, the project approval process and other types of documentation are being more systematically linked through UNIFEM's new management information system, to be finalized in 1998.

V. Financial management

78. For the period ended 31 December 1997, core contributions received totalled $13.95 million, an increase of $0.84 million or 6.3 per cent over the 1996 total of $13.11 million. That level of income includes the 1997 pledge from the Government of Japan of $1.76 million, which was received in 1998 and will be included in 1998 income. The income growth resulted from increases in the annual contributions of 15 donor Governments, along with first-time contributions from three others.

79. The 1998 pledging conference held in November 1997 resulted in $5.138 million in written and verbal pledges from 17 donor Governments. Those pledges, when combined with UNIFEM's informal discussions with its traditional donors who did not pledge, as well as actual increases subsequently received, indicate that UNIFEM is estimated to receive approximately $16.7 million in income for 1998. That projected increase of $3.4 million represents a combination of actual and estimated increases from four donors as of 31 July 1998, as well as the 1997 pledge from the Government of Japan in the amount of $1.76 million received in 1998. If that amount is excluded, the projected income is estimated to be $14.94 million, or approximately $2 million over the earlier estimate.

80. During 1997, UNIFEM continued to seek opportunities for co-financing arrangements. As a result of those efforts, a total of $4.2 and $1.2 million were received for cost-sharing and sub-trust funds, respectively. That represented an increase of $1.8 million, or 45 per cent over the 1996 level of $4.0 million. That upward trend has continued in 1998, with receipts to 31 July 1998 of $1.3 million and $2.6 million for cost-sharing and sub-trust funds, respectively. Firm commitments from the donors amount to $2.0 million and $1.9 million for a total of $3.3 million and $4.5 million for cost-sharing and sub-trust funds, respectively.

81. The total contributions from core and co-financing activities amounted to $19.3 million for 1997, as compared to $17.0 million for 1996.

82. Expenditures on projects funded from general resources amounted to $6.6 million, a decrease of $1.1 million from 1996. Expenditures on cost-sharing and sub-trust funds, on the other hand, increased by $0.4 million, from $3.3 million to $3.7 million.

83. The operational reserve was re-established in 1996 at a level of $3 million. The 1997 review, carried out in February 1998, revised the level of the reserve to $3.5 million.

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Situation of human rights in Myanmar

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in Myanmar, prepared by Rajsoomer Lallah, Special Rapporteur of the Commission on Human Rights, in accordance with Economic and Social Council decision 1998/261 of 30 July 1998.

* A/53/150.

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Annex

Interim report on the situation of human rights in Myanmar prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Economic and Social Council decision 1998/261 of 30 July 1998

Contents

		Paragraphs
I.	Introduction	1–3
II.	Methods of work	4–5
III.	The exercise of civil and political rights	6–32
	A. The impact of Myanmar law on human rights	6–9
	B. Rights pertaining to democratic governance	10–26
	C. Death in custody	27–32
IV.	Forced labour	33–49
V.	Minorities	50–54
VI.	Conclusions and recommendations	55–63
	A. Conclusions	55–59
	B. Recommendations	60–63

Page
3
3
4
4
4
8
10
11
12
12
13

I. Introduction

1. The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar has been described in each of the Special Rapporteur's previous reports to the General Assembly[a] and to the Commission on Human Rights.[b] The mandate, initially articulated by the Commission in its resolution 1992/58 of 3 March 1992 and extended most recently in resolution 1998/63 of 21 April 1998 (approved by the Economic and Social Council in its decision 1998/26 of 30 July 1998), required the Special Rapporteur to establish or to continue direct contact with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the establishment of a constitution of democratic governance, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar.

2. In its resolution 1998/63, the Commission called upon the Government of Myanmar to cooperate fully and unreservedly with the relevant mechanisms of the Commission, in particular the Special Rapporteur, and to ensure his access to Myanmar, in order to establish direct contact with the Government and with any person in the country whom he might deem appropriate, to allow him fully to discharge his mandate; requested the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully and to pursue all efforts to ensure that the Special Rapporteur was authorized to visit Myanmar.

3. The main concerns of the international community with regard to the situation of human rights in Myanmar are referred to in the resolutions adopted by the various competent organs of the United Nations over the past six years, in particular, General Assembly resolution 52/137 and Commission resolution 1998/63, which are the most recent. The major concerns may be summarized, in substance, as follows:

(a) The electoral process initiated in Myanmar by the general elections of 27 May 1990 has yet to reach its conclusion, and the Government still has not implemented its commitments to take all necessary steps towards the establishment of a democratic order in the light of those elections;

(b) Many political leaders, in particular, elected representatives from the National League for Democracy (NLD), remain deprived of their liberty;

(c) Violations of human rights remain extremely serious, including, in particular, the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, forced displacement, serious restrictions on the freedoms of expression and association, and the imposition of oppressive measures directed, in particular, at ethnic and religious minority groups;

(d) Forced relocation and other violations of the rights of persons belonging to minorities, resulting in a flow of refugees to neighbouring countries, and continuing attacks by the military on ethnic groups, resulting in death, destruction and displacement.

II. Methods of work

4. With a view to establishing direct contact with the Government and people of Myanmar, as requested by both the General Assembly and the Commission, the Special Rapporteur has written on several occasions to the Government of Myanmar seeking its cooperation and requesting its authorization to visit the country. The Government has on more than one occasion indicated that such a visit would be possible at an appropriate time, but so far no authorization has been forthcoming. In the absence of cooperation on the part of the Government, the Special Rapporteur has continued to rely on information from governmental, intergovernmental and non-governmental sources. He has also received several well-documented information from individuals connected in one way or another with the situation in Myanmar. He has further received several well-documented reports describing the situation in Myanmar, particularly in relation to the matters over which the General Assembly and the Commission on Human Rights have expressed serious concern. No less importantly, he has had direct contact with displaced persons along the Thailand/Myanmar border who have fled Myanmar and from whom he continues to receive information.

5. The present interim report is based upon information received by the Special Rapporteur up to 30 August 1998 and is to be read in conjunction with the Special Rapporteur's last report to the Commission on Human Rights (E/CN.4/1998/63).

III. The exercise of civil and political rights

A. The impact of Myanmar law on human rights

6. The Special Rapporteur has already commented on how, in Myanmar, several laws criminalize or adversely affect freedom of thought, information, expression, association and assembly through fear of arrest, imprisonment and other sanctions. The most commonly employed laws banning the enjoyment of civil and political rights and suppressing dissent against the regime have been the 1923 Official Secrets Act, the 1950 Emergency Provisions Act, the 1957 Unlawful Associations Act, the 1962 Printers' and Publishers' Registration Law, the 1975 State Protection Law (Law to Safeguard the State Against the Dangers of Destructive Elements) and Law No. 5/96 Protecting the Stable, Peaceful and Systematic Transfer of State Responsibility and the Successful Implementation of National Convention Tasks Free from Disruption and Opposition.

7. The 1950 Emergency Provisions Act allows the imprisonment for up to seven years of any person who either infringes upon the integrity, health, conduct and respect of State military organizations and government employees, spreads false news about the Government or disrupts the morality or behaviour of a group of people.

8. The 1975 Law to Safeguard the State Against the Dangers of Destructive Elements is also used by the regime to carry out indiscriminate and arbitrary arrests and detention of political opponents. Under this law, the Council of Ministers is authorized to pass an order, as may be necessary, restricting any fundamental right of a person if there are reasons to believe that any citizen has committed or is committing or is about to commit any act which infringes the sovereignty and security of the State or public peace and tranquillity. The same Law further provides for the detention to continue for a period not exceeding one year at a time up to a total of five years.

9. Further, numerous Executive Orders, criminalizing many aspects of normal civilian conduct, prescribing grossly disproportionate penalties and authorizing arrest and detention without judicial review, lead to the conclusion that a significant number of all arrests and detentions are arbitrary when measured by international standards. The examples below demonstrate the circumstances in which those laws continue to be used:

(a) In March 1998, the student leader Aung Tun, 30 years old, a Central Executive Committee member of the All Burma Federation of Students Unions, was sentenced to 15 years imprisonment for writing a history of the Burmese student movement. Arrested early in the year, he was charged under the 1962 Printing and Publishing Act and section 5(j) of the Emergency Provision Act 1950;

(b) In early April, Thakhin Ohn Myint, 80 years old, was sentenced to seven years prison for his part in assisting in the writing of the history of the student movement. He had been detained in February but was released in late March. However, he was rearrested the following day by military intelligence officers and was later sentenced;

(c) In April 1998, Daw San San was sentenced to 25 years imprisonment. She was arrested on 28 October 1997 after she had conducted an interview with the British Broadcasting Corporation on 26 June 1997, in which she had been critical of the military regime. She was arrested under section 10(a) of the 1975 State Protection Act, but in April she was charged under the 1923 Official Secrets Act and sentenced to 25 years. Daw San San, 58 years old, was initially detained along with seven members of Parliament from the NLD, including Dr. Than Nyein and Dr. May Win Myint. All were initially sentenced to six years imprisonment, but Daw San San's term of imprisonment was increased to 25 years after she refused to end her political activities. Daw San San had previously been arrested in November 1990 and had been sentenced to 20 years under Penal Code 122 for high treason. She was however, released on 1 May 1992 during an amnesty. Since that detention, the authorities dismissed her as a Member of Parliament and banned her from contesting any future elections.

B. Rights pertaining to democratic governance

10. Many reports indicate that in Myanmar political parties in opposition continue to be subject to intense and constant monitoring by the regime, aimed at restricting their activities and prohibiting members of political parties from leaving their localities. Existing orders from the State Law and Order Restoration Council (SLORC), including the 1961 Habitual Offenders Restrictions Act, preclude members of political parties from leaving their localities or their houses without prior permission from the authorities; otherwise they risk arrest and interrogation by the police or military intelligence agents.

11. The cases reported below have been brought to the attention of the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights in Myanmar:

(a) A number of NLD elected representatives, including U Tun Win, Dr. Kyi Min, U Hlaing Aye, U Myint Aung, U Aung Soe, U Kyaw Myint, U Thein Kyi, U Than Naing, U Myint Thein, U Aung Myint Thein, U Tha Aung, U Aung San Myint, U Aung Naing and U Tar have been arrested or charged either under the Criminal Code or the Habitual Offenders Restriction Act. It is contended that the authorities have used the Act to restrict the activities of NLD-elected representatives in a number of the country's divisions, excluding Yangon Division. A restraining order has been issued against all elected NLD representatives, who are required to stay within the confines of their respective municipalities for a year. They are said to have to report to the local police stations at least twice a day. Ward authorities have been ordered to visit the home of a representative who reports sick to verify whether the claim is true. Those refusing to comply with the restraining order are threatened with arrest;

(b) As to the general background of implementation of these restraining orders, it is also contended that starting in the night of 25 June 1998, NLD-elected members of parliament in different parts of Myanmar, excluding Yangon, have been restrained by township judicial authorities who acted jointly with the police officials in those townships;

(c) In the initial stage, in Bago Division, military security personnel allegedly were involved in the implementation of the restraining orders; in the other states and divisions, only the township judges and the respective police station are said to have been involved. There has been a consistent pattern of NLD-elected representatives being taken to their respective police stations and being held there overnight – in some instances, for two nights. The NLD representatives would be allowed to take their own bedding, blankets and mosquito nets; the next morning (or morning thereafter), they would be released if two "guarantors" would post bond in the amount of 100,000 kyats each. The township judge would then read out an order based on the Emergency Powers Law, section 5, sub-section 1(f) and (g), under which the elected NLD representatives would be required to "sign in" at the local police station every day at 8 a.m. and 5 p.m. (in some instances, at 9 a.m. and 5 p.m.). This practice is said to have been designed to prevent the individuals thus restrained from travelling outside their town's jurisdiction. Non-compliance with the restraining order would entail a prison sentence of one year;

(d) It is contended that the NLD leadership has urged its elected representatives to defy the restraining orders and that, as a result, a number of arrests have been made by the authorities. The total number of restrictions in effect for the whole country now exceeds 50 elected NLD representatives. The exact number is unknown, since telephone connections to certain townships and places are said to have been disconnected.

12. There is no doubt that such practices, if true, would constitute a violation of basic international human rights norms, in particular, those proclaimed in articles 9 and 21 of the Universal Declaration of Human Rights.

13. On Thursday, 25 June, security forces prevented four elected NLD representatives and 40 young men from entering Daw Aung San Suu Kyi's compound for a regular "reading session". They were pushed back to the junction of Kabe Aye Sati Road and University Avenue. When they were informed of the incident, U Tin Oo, NLD Vice-Chairman, and Daw Aung San Suu Kyi went to the junction to lead the members back to her compound. After blocking them at various points, a man in civilian clothing ordered the security forces to attack the group. The police proceeded to do so, using batons and branches from trees which were lying on the roadside. A statement from NLD said that eight NLD youth members suffered injuries and Aung San Suu Kyi was also slightly injured. The location of the incident was a restricted area, thus no one else was present.

14. The Myanmar authorities, in a statement issued the day after, said the group had refused legitimate orders to leave "on security ground(s)" and that after the staging of a sit-down protest overnight, they had been allowed to enter. Officials had earlier denied that anyone was injured in the scuffle and said no arrests had been. The road to Aung San Suu Kyi's compound remained sealed off on Friday.

15. On Monday, 29 June, in an apparent response to these events, the Myanmar authorities threatened to take legal action against Aung San Suu Kyi and NLD. Commentaries run by three State-owned newspapers stated that the Myanmar Government and its people could no longer tolerate the acts of Aung San Suu Kyi, who ignored the interest of the nation and the people. The newspapers cited Law No. 5/96 which prohibits individuals or organizations from disturbing, destroying, obstructing, inciting, delivering speeches, making oral or written statements and disseminating in order to undermine, belittle and make people misunderstand the functions being carried out by the National Convention for the emergence of a firm and enduring Constitution. A conviction, under Law No. 5/96,

carries a minimum sentence of five years, with a maximum of 20 years imprisonment.

16. Faced with the gravity of the situation, the Special Rapporteur issued a press release in which he expressed his concerns, and on 8 July 1998, he sent a letter to the Minister for Foreign Affairs in order to seek clarifications. Relevant parts of the letter are reproduced here below.

> "I would like to express my concern following recent reports that members of the NLD continue to be subject to various forms of restrictions in the normal exercise of their civil and political activities, as should be the case for members of a legitimate and legally registered political party, as indeed for everyone. You will recall, in this regard, the observations I made in my reports to the General Assembly and to the Commission on Human Rights over the past two years in the light of the applicable international norms and the relevant resolutions of the General Assembly and the Commission, calling upon Myanmar to observe those norms.
>
> "According to information received, on the afternoon of 25 June 1998, while approaching Daw Aung San Suu Kyi's house, a group of around 30 NLD writers, journalists and activists were prevented by the security forces from attending a "reading session" regularly held at her home. When Daw Aung San Suu Kyi and U Tin Oo went out to escort the group into the compound, they were allegedly verbally abused and beaten by security forces. As a result four young men around Daw Aung San Suu Kyi were severely beaten, while she herself was slightly injured. In protest at the refusal to allow the group access to her compound, Daw Aung San Suu Kyi and U Tin Oo remained with the group, surrounded by security officers, throughout the night until they were finally allowed to enter her residence at 8 a.m. the following morning.
>
> "It has also been reported that a number of NLD members have been allegedly arrested throughout the country during May and June 1998. These include six NLD youth leaders, including Ko Tun Zaw Zaw, as well as Members of Parliament such as Mr. Mahn Johny from KyongPyaw township; David Hla Myint of Ngapudaw township and Dr. Tin Min Htut from Pantanaw township.
>
> "It has been further reported that, as of 25 June 1998, NLD-elected Members of Parliament in various parts of the country, excluding Yangon Division, are required to remain within their township jurisdiction and are required to present themselves twice a day to the nearest police station in order to report their presence by signing a declaration. Those who refuse to sign the declaration are allegedly immediately taken to custody without any inquiry or trial. Such was reportedly the case for more than 15 representatives elected from various constituencies.
>
> "In as much as all those reported to have been arrested were members of NLD, I take this opportunity to repeat my previous and continuing concerns about the fate of the over 80 NLD members and sympathizers who have been arrested since 1990 and who remain detained.
>
> "With respect to other NLD members, I urge your Government to ensure their personal integrity and freedom of expression, including the right to receive and impart information, freedom of association, assembly and movement.
>
> "In order to have an accurate and comprehensive view of the situation, I would greatly appreciate receiving information which your Government may wish to provide regarding the events and cases referred in the above paragraphs, both in respect of the facts themselves and the applicable legislation. I would also appreciate receiving a list of the names of any NLD-elected representatives arrested in Myanmar during the months of May and June 1998 as well as of those arrested since 1990.
>
> "I would further appreciate receiving any other details or observations which your Government deems pertinent."

17. The Special Rapporteur has noted that a reply, dated 10 August 1998, to the substance of his letter was sent, on behalf of the Permanent Representative of Myanmar to the United Nations at Geneva, to the Director of Activities and Programmes Branch of the Office of the United Nations High Commissioner for Human rights. It was not addressed to the Special Rapporteur nor did it make any reference to him. The Special Rapporteur regrets that the Government of Myanmar is deliberately ignoring his attempts to establish a constructive dialogue with the authorities in Myanmar, as requested by the General Assembly and the Commission on Human Rights.

18. On the substance of the reply, the Special Rapporteur notes that the Government of Myanmar did not provide the Special Rapporteur with a list of the names of NLD-elected representatives arrested in Myanmar during the months of May and June 1998 or of those arrested since 1990. Nor did the Government of Myanmar provide the texts of the

applicable legislation in force in the country which is used to justify the restrictions placed on the activities carried out by NLD.

19. Indeed, although the Special Rapporteur did not receive the official figures concerning the status of the NLD Members of Parliament elected in the 1990 elections, he has received several reports stating that the Election Commission has dismissed from Parliament all Members who have been charged with an offence and has banned others from running in future elections. After the election in 1990, the NLD had 392 of the 485 seats. Since the 1990 election, 112 Members of Parliament have apparently been forced from office or dismissed by the Election Commission. This represents more than a quarter, or 28 per cent, of the 392 NLD Members of Parliament who were elected under the NLD banner. Seventy-eight Members of Parliament – all from the NLD – have been jailed since the election and two (U Tin Maung Win and U Hla Than) have died in prison. At the moment, there are 42 NLD Members of Parliament who remain under detention in Myanmar for their political activities. Furthermore, as a result of threats and intimidation from the authorities, 20 opposition Members of Parliament, most of whom are from the NLD, have fled Myanmar.

20. It would appear that, given the refusal of the authorities to establish a genuine dialogue with the leadership of the NLD and the failure to convene the National Assembly, the NLD leadership has embarked on a campaign designated to achieve those ends by resorting to political actions in line with the normal exercise of basic civil and political rights. It would appear that the NLD had formally called the regime to convene the National Assembly by 21 August 1998 and had sought to exercise its right to conduct normal political activities by visiting members and sympathizers of the party outside Yangon.

21. On Tuesday, 7 July, Aung San Suu Kyi and Aung Shwe attempted to go to Min Hla township (147 km north of Yangon) to meet with a party member. They were stopped by the police 80 km from Yangon and ordered to return home. Aung San Suu Kyi and Aung Shwe refused and staged an overnight sit-in protest in her car at Shwe Mya Yar village. According to the authorities, the trip outside her home, without a customary security-forces escort, followed by her refusal to return home, amounted to a challenge to governmental authority amid a wider push to hasten civilian rule. The following day, however, the Government announced that it had allowed her to meet with the party member, Hla Hla Moe. Arrangements were made to bring Hla Hla Moe to Shwe Mya Yar to meet with the NLD leader on the morning of 8 July. After the meeting, both parties returned home.

22. On 24 July 1998, Daw Aung San Suu Kyi was stopped by local authorities about 51 miles (32 km) west of Yangon as she attempted to drive to Bassein, 100 miles (160 km) west of the capital, to meet members of her political party, the National League for Democracy. The authorities refused to let her proceed, and she refused to return to Yangon. As a result, Daw Aung San Suu Kyi spent five days stuck in a car on a rural highway surrounded by governmental security personnel. While Daw Aung San Suu Kyi and members of their party were staying near Anyarsu and Pandine villages because of the blockade, the authorities, on 30 July 1998, ordered the security forces to use force to remove them. The General Secretary was physically forced into a car and driven back to her home without her consent. The authorities also drove the car belonging to the General Secretary back to her home without her permission. The remaining Central Executive Committee member and two other members of the party were also forced into the cars of the authorities and driven back.

23. On 28 July 1998, the United Nations High Commissioner for Human Rights issued a press release expressing concern over reports of a standoff in Myanmar between the military and Aung San Suu Kyi and urging the Government of Myanmar to accept a visit of the Special Rapporteur to Myanmar. The press release reads as follows:

> "The reports coming from Myanmar regarding the refusal of the military authorities to allow Aung San Suu Kyi to travel freely give cause for great concern. The incident is the latest in what appears to be a developing pattern of restriction of the rights to freedom of movement and to freedom of association of Mrs. Suu Kyi and members of the National League for Democracy. According to the information received, Mrs. Suu Kyi is today spending the fifth day in her car after being stopped on the road while going to visit supporters of her party outside of Yangon. There are legitimate concerns about Mrs. Suu Kyi's health and her security during this standoff.
>
> "This incident provides stark evidence of the need for the Government to enter into a frank and sincere dialogue with civil society in Myanmar as a way of overcoming the political difficulties the country is facing.
>
> "I urge the Government of Myanmar to work with Mrs. Suu Kyi and her supporters to resolve the current standoff peacefully and quickly. I also call on the Government to guarantee the rights of freedom of movement and association of all citizens and to accelerate the process of national reconciliation

leading to the enjoyment of all human rights. I reiterate my recent request to the Government to facilitate a visit by the Commission on Human Rights Special Rapporteur for Myanmar, who has been seeking such a visit for a lengthy period."

24. On 12 August, in another attempt to travel outside her residence to meet members of her political party in the city of Pathein (Ayarwaddy Division), Daw Aung San Suu Kyi together, with U Hla Pe and a driver, were again stopped by the authorities at Anyarsu village, located 20 miles south-west of Yangon. After spending 12 days on the spot, Daw Aung San Suu Kyi and colleagues returned home without being able to reach Pathein and hold meetings with local NLD members.

25. The authorities of Myanmar, through "information sheets" received on a daily basis from the Office of the High Commissioner for Human Rights, recounted these events and justified the actions taken – i.e., not to allow Daw Aung San Suu Kyi to travel outside Yangon and to meet with members of the NLD outside her residence, by invoking security concerns. In an information sheet dated 12 August 1998, it is stated that the Government of Myanmar regretted that security conditions in Ayarwaddy Division made it unsafe for Daw Suu Kyi to travel there at that time but that the Government encouraged her to return home and continue her political activities in a more secure environment in Yangon. She and her companions remained free to return to their homes at any time or to stay by the roadside as long as conditions remained safe. Furthermore, Myanmar authorities reported in an information sheet dated 23 August 1998 that, to ensure the health and safety of Daw Aung San Suu Kyi and her companions, Daw Aung San Suu Kyi's personal physicians had been given full access to her at any time and the Government was continuing to provide an ambulance and a medical team on stand-by exclusively for their use. While Daw Aung San Suu Kyi and her companions continued their stay at Anyarsu village, food, water, clothing and other amenities had been made available by the Government as well as other private sources.

26. The Special Rapporteur welcomes the fact that on 18 and 24 August 1998, Secretary 1 of the State Peace and Development Council (SPDC) met with the Chairman of the NLD. The Special Rapporteur hopes that these recent meetings will lead to a genuine dialogue and will not be inconclusive, as was the case in July and September 1997.

C. Death in custody

27. The Special Rapporteur continues to receive reports indicating that torture and ill-treatment, including beatings, in prisons and interrogation centres continue to be a common practice. In addition, sanitary conditions are critical, and there is a lack of medical attention. Moreover, the authorities continue to refuse the International Committee of the Red cross (ICRC) access to prisons and places of detention. In these circumstances, the Special Rapporteur is not surprised to continue to receive information to the effect that several prisoners have died in prison, including several members or sympathizers of the NLD.

28. Since June 1996, several NLD members or sympathizers have died in jail as a result of torture and poor treatment.

29. In his report to the General Assembly (A/51/466, para. 77), the Special Rapporteur reported on the death in custody on 22 June 1996 of Mr. James Leander Nichols, who had been arrested in April 1996 for illegal possession of communications equipment (telephones and fax machines) and sentenced to three years imprisonment on 18 May 1996. He had allegedly been deprived of sleep during long interrogations prior to his death. Mr. Nichols was 65 years old and suffered from heart problems and diabetes. The Myanmar authorities, in a press statement issued on 16 July 1996, denied that he was tortured and stated that he died from natural causes, due to a stroke and a heart attack. However, the Special Rapporteur has recently received additional information from a former detainee who, in May 1996, was serving the final year of a seven-year prison sentence in Insein Prison in a cell close to the one where Mr. James Leander Nichols spent his last days. According to that prisoner, Mr. Nichols had been interrogated by officers for six consecutive days. Upon his arrival, he was reportedly forced to sit in a *Poun-San* position – i.e., to sit cross-legged on the floor with his hands on his knees, back straight and head bowed. During interrogation sessions he is said to have been forced to stand up for hours. Each time, he is said to have been taken away by officers with a hood over his head. Once he reportedly came back to his cell at Insein Prison with swollen legs and a puffed face after having been subjected to four days of interrogation. Despite the fact that he was suffering form acute dysentery and diabetes, he was allegedly not given either proper food or medicines. His health is believed to have quickly deteriorated. The last time he was reportedly seen by fellow inmates before being taken away by officers, he had swollen legs, could not walk properly, and was suffering from dysentery, vomiting and dizziness. It is not clear whether an autopsy was performed.

To date, authorities are thought not to have satisfactorily provided a full, written account of events leading up and surrounding his demise. Clearly, a full enquiry by an independent body is called for in light of the new evidence.

30. It is also reported that U Thein Tin, a member of the Yangon Township Organizing Committee of the NLD, died at Yangon General Hospital on 18 February 1998, following physical and mental torture in Insein Prison. U Thein Tin had been detained in Insein Prison since March 1996. He was charged under section 10(a) of the 1975 State Protection Law, which is designed to protect the country from the dangers of those who wish to harm it. A writer by profession, U Thein Tin was a former student leader during 1962–1963. He came to prominence during Daw San Suu Kyi's house-arrest for his unwavering commitment and management skills. He was well respected by both the leadership of the NLD and the youth wing of the party. The State Peace and Development Council (SPDC) claims that U Thein Tin died of blood cancer, according to a statement. However, other sources said that U Thein Tin had been tortured and his health had been deteriorating when he was finally admitted to hospital. He was already dying when he was taken to hospital, according to those sources, and the SPDC had long refused his requests for proper medical care. A Myanmar governmental spokesman confirmed that Thein Tin had died but denied that he had been poorly treated. He said Thein Tin had even been given a pardon three days before his death and released from his prison sentence because he had liver cancer. Medically, Thein Tin had been suffering from liver cirrhosis since 1982 and while he was serving his sentence on 3 December 1997, the prison medical authorities had transferred him to the Yangon hospital, according to the spokesman. He also said that Thein Tin's family had been allowed to pay him regular visits while he was in hospital.

31. Aung Kyaw Moe, 29 years old, a former student of Yangon Institute of Technology, who had been sentenced to 14 years imprisonment for his involvement in a December 1996 student demonstration, died in the prison hospital on 23 May 1998 after being beaten by prison authorities, following a hunger strike by political prisoners at the Thayawaddy Prison, 200 kilometres north of Yangon. On 22 May, political prisoners in Thayawaddy Prison staged a hunger strike to mark the eighth anniversary of the 1990 elections, in which the National League for Democracy (NLD) had won a landslide victory. The political prisoners made two demands: that the ruling State Peace and Development Council (SPDC) treat them as political prisoners, and that it enter into a dialogue with the NLD to solve the country's problems peacefully. However, the authorities, under instructions from the SPDC's Ministry of Home Affairs, rejected their demands and warned the prisoners to stop their hunger strike immediately. When they refused to do so, eight political prisoners were beaten and seriously injured. Afterwards, the family members of all the political prisoners at Thayawaddy Prison were forbidden to visit in an attempt by the authorities to prevent information about the incident from spreading.

32. The following two cases illustrate the severe physical and mental suffering reported to have been inflicted by prison officials to two former detainees:

(a) Thar Nyunt Oo, a leader of the student movement, was arrested in September 1990 and sentenced by the Special Military Court to five years imprisonment. He was detained at Insein Prison from September 1990 until November 1991. He was reportedly interrogated during the first two weeks, during which time he was confined to a small cell under continuous strong light, the intensity of which would be increased if he refused to answer a question. According to the information received, he was deprived of sleep for 60 or 70 hours at a time, beaten and kicked, and made to stand on his toes for hours at a time; meanwhile, his legs were kept in irons with manacles around his ankles and an iron bar between his legs. In 1991 Thar Nyunt Oo and other prisoners who had gone on strike were said to have been placed in solitary confinement and kept in leg irons. They were allegedly forced to stand with their upper bodies bent forward for up to thirty hours. They were reportedly prohibited from bathing for one month and were forced to cry and make admissions of guilt. Thar Nyunt Oo was transferred to Thayet Prison in November 1991 and then to Monywa Prison in December 1992. He was finally released in November 1994 and resumed his political activities. He was forced to flee to the border in December 1996;

(b) Aung Khaing, a graduate of Yangon Institute of Technology and resident of Prone Township, was arrested in November 1990 for his role in the pro-democracy movement and sentenced to 15 years imprisonment. His sentence was commuted to 10 years shortly after General Than Shwe was installed in 1992 as head of the State Law and Order Restoration Council (SLORC). Aung Khaing was released from prison in June 1998. During his eight years of detention in Insein Prison and Taungoo Prison in Pegu Division, Aung Khaing was reportedly subjected to severe beatings by prison warders, and as a result he developed psychological problems. Despite several requests from his family, the prison authorities refused to provide him with proper medical assistance; but instead, he was put in a solitary confinement cell that was designated for leper prisoners until his release in June 1998.

IV. Forced labour

33. The Special Rapporteur continues to receive numerous substantiated reports from a wide variety of sources indicating that the practice of forced labour remains widespread. The phenomenon of forced recruitment of civilians for the purpose of portering is reportedly still practised. Conditions for porters are described as brutal, with forced marches over mountains with heavy loads.

34. Since 1955, Myanmar has been a party to ILO Convention No. 29 concerning forced labour. Amendment or repeal of national legislation providing for the exaction of labour and services, under the threat of penalty, from residents who have not offered themselves voluntarily, has been called for by the ILO Committee of Experts for the Application of Conventions and Recommendations in comments regularly addressed to the Government since 1964.

35. Following the lodging of a representation in January 1993 by the International Confederation of Free Trade Unions, the ILO Governing Body urged the Government of Myanmar, in November 1994, to ensure that the relevant legislation, in particular, the Village Act and the Towns Act, would be brought into line with Convention No. 29, as had already been requested by the Committee of Experts, to ensure that the formal repeal of the power to impose compulsory labour be followed up in practice and to ensure that those resorting to coercion in the recruitment of labour be punished.

36. At the International Labour Conference in June 1996, the Committee on the Application of Standards noted the persistent failure of Myanmar to implement the Convention. The complainants alleged that the Government of Myanmar had demonstrated its unwillingness to act upon the repeated calls addressed to it by the supervisory bodies of the ILO to abolish forced labour in law and in practice and that, instead, the practice of forced labour was becoming more widespread and that the authorities in Myanmar were directly responsible for its increasing use.

37. At its two hundred sixty-eighth session, in March 1997, the ILO Governing Body decided to refer the complaint to a Commission of Inquiry chaired by Sir William Douglas (Barbados). The Commission's mandate was to consider whether, and to what extent, the alleged violations existed or had existed and to make any recommendations it deemed appropriate.

38. The Commission held its first meeting in June 1997 to establish its rules of procedure; it held formal hearings of witnesses in November 1997 in Geneva. In the course of its inquiry, during hearings in Geneva and during its visit to the region, the Commission received over 6,000 pages of documents and heard testimony given by representatives of a number of non-governmental organizations and by some 250 eyewitnesses with recent experience of forced labour practices.

39. The Government of Myanmar, which had been invited to take part in the proceedings, abstained from attending the hearings and did not authorize a visit by the Commission of Inquiry to Myanmar, arguing that such a visit would not contribute much towards resolving the case and would interfere in the internal affairs of the country.

40. The Myanmar authorities stated, in response to the initial complaint and supplementary evidence, that they were aware of the criticisms made by some worker delegates relating to use of forced labour in Myanmar and that a considerable portion of the criticisms relating to Myanmar were unfortunately based on biased and specious allegations made by expatriates living outside Myanmar who wished to denigrate the Myanmar authorities for their own ends.

41. According to the report issued by the Commission of Inquiry on 20 August 1998, the obligation to suppress the use of forced or compulsory labour was violated in Myanmar in national law as well as in actual practice in a widespread and systematic manner, with total disregard for the human dignity, safety and health and basic needs of the people. The Commission concluded that the impunity with which governmental officials, in particular, the military, treated the civilian population as an unlimited pool of unpaid forced labourers and servants at their disposal was part of a political system built on the use of force and intimidation to deny the people of Myanmar democracy and the rule of law. The Commission also concluded that any person who violated the prohibition of recourse to forced labour in international law bore an individual criminal responsibility.

42. The Commission's report relates "a saga" of untold misery and suffering, oppression and exploitation of large sections of the population inhabiting Myanmar by the Government, the military and other public officers. It is a story of gross denial of human rights to which the people of Myanmar have been subjected, particularly since 1988, and from which they find no escape except fleeing the country.

43. In its conclusions on the substance of the case, the Commission stated that there was abundant evidence before it of the pervasive use of forced labour imposed on the civilian population throughout Myanmar by the authorities and the military for portering; the construction, maintenance and servicing of military camps; the construction and

maintenance of roads, railways and bridges; other infrastructure work; other work in support of the military; and work in agriculture, logging and other projects undertaken by the authorities or the military, sometimes for the profit of private individuals.

44. The Commission also stated that in actual practice, the manifold exactions of forced labour often gave rise to the extortion of money in exchange for a temporary alleviation of the burden but also to threats to the life and security and extrajudicial punishment of those unwilling, slow or unable to comply with a demand for forced labour. Such punishment or reprisals ranged from demands for money to physical abuse, beatings, torture, rape and murder.

45. Forced labour in Myanmar was widely performed by women, children and elderly persons, according to the Commission's conclusions, and by other persons otherwise unfit for work, and was almost never remunerated.

46. Porters, including women, were often sent ahead in particularly dangerous locations, such as in suspected minefields, and many were killed or injured that way, the Commission stated. Porters were rarely given medical treatment of any kind, and some of the sick or injured were left behind in the jungle.

47. Similarly, on road-building projects, injuries were in most cases not treated, and deaths from sickness and accidents were frequent on some projects, the Commission stated.

48. Forced labourers, including those sick or injured, were frequently beaten or otherwise physically abused by soldiers, resulting in serious injuries; some were killed, and women performing compulsory labour were raped or otherwise sexually abused by soldiers.

49. In conclusion on the subject of forced labour, the Special Rapporteur wishes to make two observations. First, the proceedings and report of the Commission of Inquiry of the ILO clearly indicate that the attitude of the regime in Myanmar towards the Commission was the same as that which the regime had adopted towards the Special Rapporteur, the Commission on Human Rights and the General Assembly – that is to say, an attitude of total non-cooperation, in violation of the obligations that Myanmar had freely undertaken under the Charter of the United Nations and relevant ILO Conventions. Secondly, the conclusions of the Commission of Inquiry of the ILO confirm all the serious concerns that the Special Rapporteur has highlighted in his reports to the General Assembly and the Commission on Human Rights concerning the laws on and the practice of forced labour in Myanmar.[c]

V. Minorities

50. Since independence from British colonial rule in 1948, Myanmar has witnessed unresolved conflicts between some of the 135 ethnic minorities of the country and the central authorities. These conflicts have given rise to insurgencies in several parts of the country which have resulted in large numbers of internally displaced persons and refugees in neighbouring countries. In connection with these conflicts, the Special Rapporteur continues to receive detailed reports on human rights violations committed by members of the armed forces (Tatmadaw). Two examples among many others may be cited:

(a) On 27 June 1998, 13 villagers, including two women and seven children, were reportedly killed by about 120-130 troops of the State Police and Development Council led by commander Htun Nyein. The troops were patrolling and searching deserted villages in the countryside of Murng-Nai when they found the people at a farm 4 miles west of their village of Nawng Tao, Kaeng Tawng tract. The villagers killed belonged to the same extended family;

(b) On 29 June 1998, the same troops are reported to have beaten to death a man named Sai Phim who was weeding his farm at the deserted village of Nar Sarn, west of Nawng Phar, Kaeng Tawng. They buried his body in the ground at the foot of the steps of his farm hut, leaving his head above the ground.

51. Information received by the Special Rapporteur indicates that sexual violence against women, including rape, is frequently committed by members of the Tatmadaw with impunity. The victims are civilians, often ethnic minority women and girls, and the perpetrators are reported to come from all ranks within the Tatmadaw hierarchy. One example of this kind of violence involved a 14-year-old girl, who is reported to have been raped and burned alive at a farm about 3-4 miles east of Lai-Kha on 11 May 1998. The girl, named Nang Zarm Hawm, was the daughter of Loong Parn and Pa Poo from Nawng Zem village, who had been forced to move to Lai-Kha town in October 1997. On that day, Nang Zarm Hawm had gone with her parents to work at their rice farm, about 3 miles east of the town. They ran out of the paddy seeds which they were sowing, so Loong Parn and Pa Poo went back to town to get more paddy seeds, leaving their daughter at the farm hut. At that time, Maj Myint Than and 85-90 troops, who were patrolling the outskirts of the town, came to the farm and saw Nang Zarm Hawm alone in the hut. Myint Than asked her about her parents and ordered his soldiers to wait at the edge of the farm and arrest anyone who came to the farm. He then raped

Nang Zarm Hawm in the hut several times during the day and at about 4 a.m. burned Nang Zarm Hawm in the hut, and left the place with his troops.

52. Hundreds of thousands of persons have been forcibly relocated, without any compensation or assistance, to new towns, villages or relocation camps in which they are essentially detained. Forced relocations are currently being implemented on a wide scale in eastern Myanmar, in Shan Sate, Karenni and Karen areas. One report indicates that on 4 June 1998, Golden Triangle Military Commander Major General Thein Sein (Chairman of the Eastern Shan State Peace and Development Council) ordered Major Hla Htwe to confiscate 13 plots of land and rice fields owned by villagers of King-Ka in zone 2 of Kaeng-Tung, for the purpose of expanding the SPDC military base there. The military would provide each household with a plot of land at a different place big enough to build a small house. But the villagers would have to buy them at the price of K 10,000 each plus an extra K 1,000 for a land survey fee. Furthermore, the same villagers were forced to grow crops for the military on the land that had been forcibly taken from them.

53. Forced conscription of civilians into compulsory labour for the military authorities, including the practice of forced recruitment of porters, is also one of the reasons that people were leaving their homes. The practice disrupts family life and precludes persons from carrying on their daily work in order to earn a living. Reports indicate that from time to time, SPDC troops in Kun-Hing have been forcing children of the villagers to do menial work in the military bases, 10-15 boys at a time, ages ranging mostly from 14 to 16. On 20 May 1998, children were forced to work on certain military bases fetching water, washing dishes, weeding grass in the military compounds, sweeping and cleaning trenches, feeding pigs, feeding chickens and ducks, washing and dusting cars and other vehicles, and feeding dogs. When the children were tired, the soldiers would scold them and beat them with sticks. Some parents tried to go to work in the place of their children, but the soldiers would not allow it. The children had to bring their own food for the midday meal, but the soldiers either ate or stole their food.

54. As a result of the internal armed conflict, abuses and human rights violations, many people have fled to neighbouring countries. It is reported that the Thai border is home to more than 100,000 refugees, mainly Karen, Karenni and Shan. The Bangladesh border is home to 20,000 refugees from Rakhine state. The Special Rapporteur is aware that, since 1995, the refugee camps along the Thai border have been prone to attacks by troops allegedly supported by the Tatmadaw. It is further reported that in March of this year, another series of attacks occurred in the camps located along the Thai/Myanmar border. Although UNHCR is present in Rakhine state and in Cox's Bazar (Bangladesh), the Special Rapporteur hopes that UNHCR will soon finalize an agreement with the Government of Thailand regarding a presence on the Thai/Myanmar border.

VI. Conclusions and recommendations

A. Conclusions

55. The Special Rapporteur has to state with regret that the Government of Myanmar has so far ignored the resolutions of both the General Assembly and the Commission on Human Rights. It has also displayed a total lack of cooperation with the Special Rapporteur and has not so far, more than two years after his appointment, found an appropriate time for him to visit the country.

56. The situation in Myanmar has not evolved in any favourable way since the submission of the report of the Special Rapporteur to the Commission on Human Rights at its fifty-fourth session. The conclusions drawn in paragraphs 68-76 of that report (E/CN.4/1998/70) unfortunately remain valid.

57. Although the Special Rapporteur had hoped that a dialogue would finally begin between the Government and the National League for Democracy, including leaders of minorities, his hopes have not been fulfilled. The result is that the structure of power under the military regime remains autocratic and accountable only to itself and rests on the denial and repression of most fundamental rights.

58. The Special Rapporteur remains deeply concerned about the continued harassment of political leaders and the detention of many political prisoners. He is also seriously concerned about the virtual blockade of the General-Secretary of the NLD in her compound, about her continued vilification and the inability of her party to organize normal political meetings and functions.

59. The Special Rapporteur is deeply concerned about the serious human rights violations that continue to be committed by the armed forces in the ethnic minority areas. The violations include extrajudicial and arbitrary executions (not sparing women and children), rape, torture, inhuman treatment, forced labour and denial of freedom of movement. These violations have been so numerous and consistent over the past years as to suggest that they are not simply isolated or the acts of individual misbehaviour by middle- and lower-

rank officers but are rather the result of policy at the highest level, entailing political and legal responsibility.

B. Recommendations

60. Given the refusal of the Government of Myanmar to give effect to the resolutions of both the General Assembly and the Commission on Human Rights, the Special Rapporteur feels constrained to repeat the recommendations made in paragraphs 77-97 of his report to the Commission on Human Rights earlier this year (E/CN.4/1998/70).

61. Further, the Special Rapporteur recommends that an independent inquiry be held into the circumstances of the deaths of Mr. Nichols in June 1996 and of U Thein in February 1998, while detained in Insein Prison, in the light of any evidence that may be gathered from fellow prisoners and prison officials and, indeed any other persons, so that action may be taken against the individuals who may have been responsible for their deaths or harsh treatment.

62. Urgent steps should be taken by all governmental authorities to put a stop, once and for all, to forced labour and portering and to comply fully with the obligations of Myanmar under ILO Convention No. 29.

63. The Government of Myanmar should, with the least possible delay, implement the recommendations that the Commission of Inquiry of the ILO recently made.

Notes

[a] A/47/651, A/48/578, A/49/594 and Add.1, A/50/568, A/51/466 and A/52/484.

[b] E/CN.4/1993/37, E/CN.4/1994/57, E/CN.4/1995/65 and Corr.1, E/CN.4/1996/65, E/CN.4/1997/64 and E/CN.4/1998/63.

[c] A/51/466, paras. 126-145; E/CN.4/1997/64, paras. 80-81, 108 (13) and (14); A/52/484, paras. 50-68, 152 (j) and (k); E/CN.4/1998/70, para. 88.